

The Waste And Chemicals Quarterly

A Quarterly Newsletter of EPA Region 10's
Office of Waste and Chemicals
Management

May 26, 1999

EPA Finds Violations at Hanford

As a result of an EPA multimedia inspection of environmental practices in 1998, EPA found violations of the Resource Conservation Recovery Act (RCRA) and the Toxic Substances Control Act (TSCA). EPA issued an administrative complaint with penalties for RCRA violations on February 11, 1999 which requires compliance with RCRA regulations. EPA also issued a Notice of Significant Non-Compliance for the TSCA violations. Under TSCA regulations EPA cannot fine Federal Facilities; otherwise, TSCA penalties of \$31,000 would have been

issued as well. The RCRA complaint addresses a variety of violations citing the Department of Energy's (DOE) failure to comply with regulations. EPA assessed DOE with civil penalties of \$367, 078. EPA considers the counts addressed in this complaint to be significant breakdowns in the system that are symptomatic of inadequate waste management practices at Hanford. Specifically, EPA cited DOE with illegal storage of hazardous waste, failure to make a waste determination, and failure to update a contingency plan for emergency response. The violations

found under TSCA involved a leak of polychlorinated biphenyls (PCBs) from electrical equipment and multiple violations of labeling requirements. EPA is concerned about these violations, as well as previous instances of non-compliance with regulations and will insist that DOE operate in compliance with all environmental regulations. Contact: Jack Boller, (360) 753-9428; Lisa Castanon, (206) 553-0464

PCB Leaks At Fort Wainwright Prompt EPA Enforcement Action

FOR IMMEDIATE

RELEASE (April 7, 1999)

For the second time in a month, the U.S. EPA has taken an enforcement action against Fort Wainwright, the U.S. Army base on the outskirts of Fairbanks, Alaska. This time, the action is for leaks of polychlorinated biphenyls (PCBs) and other violations of federal rules for the safe management of PCBs.

The action was announced today in Seattle by Dave Croxton, manager of EPA's regional toxics program.

"Although the violations being alleged normally would allow for EPA to propose penalties amounting to \$443,300, EPA in this instance cannot -- by law -- seek any monetary fine because Fort Wainwright is a federal facility," Croxton said. "What EPA wants are assurances from Fort Wainwright that all violations have been corrected."

Failure to have taken corrective action would pose a potential threat to health and the environment, said Croxton, since eight of the 23 PCB violations involve leaks of PCBs. The remaining violations involve improper

storage, marking, labeling and record-keeping, all violations of the federal Toxic Substances Control Act (TSCA).

EPA's allegations about Fort Wainwright's improper management of PCBs stem from observations made by EPA during the same inspection in June 1997, in which EPA discovered that the Fort Wainwright coal-fired power plant was operating with inadequate emission controls and non-functioning monitors, in violation of the federal Clean Air Act. EPA issued Fort Wainwright a notice for those violations early last month. Officials from Fort Wainwright and EPA met on April 28, 1999 to discuss the case.

The notice of the PCB violations gave Fort Wainwright 15 days to provide EPA with written documentation demonstrating that the necessary corrective actions have already been taken, or to describe the steps being taken to come promptly into full compliance with the PCB rules.

Contact: Dave Croxton,
(206) 553-1716

**Region 10 Issues TSCA
PCB Complaints for
\$700,000**

The Region 10 Office of Waste and Chemicals Management issued five Toxic Substances Control Act (TSCA) Complaints with a total of approximately \$700,000 in civil penalty for the improper disposal of over 900 tons of PCB-contaminated soil at a non-TSCA-permitted municipal waste landfill. The enforcement action was prompted from a citizens' complaint, received in the summer of 1997 from the West Plains Neighborhood Association in Spokane, Washington. EPA Region 10 assigned a civil investigator who conducted an intense six month investigation from September, 1997 through February, 1998. EPA Region 10 received a final inspection report in February 1998.

The enforcement action resulted from a leaking transformer, when 720 gallons of PCB-contaminated oil with a concentration of 420 parts per million (ppm) were found on the site at N. 6401 Freya Street, Spokane, WA. Raecorp, Inc. had leased the site from Burlington Northern and Sante Fe Railroad. The resulting 720 tons of TSCA regulated PCB contaminated soil from this PCB spill were stockpiled and sat at the site for over two years. The PCB-Contaminated Transformer was properly disposed of, while the total of 900 tons of

TSCA regulated PCB-contaminated soil was transported to a non-TSCA Permitted Municipal Waste Landfill for disposal. The Municipal Waste landfill was permitted by the Spokane County Health Department to accept only non-TSCA regulated PCBs.

EPA Region 10 issued five Complaints on January 21, 1999 and February 2, 1999, as follows:

This TSCA PCB case is significant in the volume of TSCA regulated PCB-contaminated soil that was improperly disposed of at the municipal waste landfill. In addition, a complaint was also issued to the Bankruptcy Trustees (Esposito, Tombari, & George, P.S.) and to Mr. Esposito. Complaints were also issued to the site's owner, Burlington Northern Railroad, who leased the site to Raecorp, Inc., and to Western Refuse, the transporter, under the strict liability of the TSCA statute. Contact: Daniel Duncan, (206) 553-6693

Goldendale Aluminum

Region 10 participated in a meeting with the Washington Department of Ecology and representatives of Goldendale Aluminum, concerning a proposed new management facility for spent potliner, K088. Goldendale and their consultants presented an

outline of their process, highlighting the various marketable products that they expect to recover. EPA and Ecology will be meeting in the near future with the facility to work out further technical details of the process, and to agree on an appropriate regulatory pathway for permitting. Contact: Dave Bartus, (206) 553-2804

U.S. Coast Guard Integrated Support Command (Kodiak, AK)

On March 24, 1999, the United States Environmental Protection Agency issued a Complaint against the United States Coast Guard Integrated Support Command Kodiak. The Complaint proposed a penalty of \$74,250 for violations found during an August 1998 inspection and for violations disclosed by the Coast Guard.

Specifically, Count 1 cites the Coast Guard's failure to make a hazardous waste determination for three volumes of hazardous waste received in their hazardous waste storage building.

Count 2 cites the Coast Guard with failing to make a hazardous waste determination on three volumes of military munitions which were detonated in an

onsite bunker. The Coast Guard on three separate occasions, disposed of containers of excess small arms ammunition and emergency flares, by dousing the containers with diesel fuel and igniting them in a remote bunker. These violations were self disclosed by the Coast Guard and has qualified for 100% reduction under the self-disclosure policy. The proposed penalty would have been \$74,250.00, had they not met all the criteria of the policy. Contact: Kim Ogle, (206) 553-0955

Settlement Reached by EPA and Asbestos Removal Specialists of Alaska Regarding Asbestos Violations

On March 2, 1999, Region 10 entered into a Consent Agreement and Consent Order (CACO) with Asbestos Removal Specialists of Alaska (ARSA), resolving violations of the Asbestos Hazard Emergency Response Act (AHERA).

ARSA consents to the suspension of providing asbestos worker or supervisor courses for AHERA accreditation between December 10, 1998 through June 10, 1999. EPA initiated this action upon finding evidence that ARSA issued accreditation certificates to two persons not entitled to

accreditation because they both failed the exam and issued certificates to individuals in five separate courses with missing or incorrect items. Contact: Jayne Carlin, (206) 553-4762

Other Asbestos

Activities:

Edmonds, WA School District

On March 24, 1999, EPA filed an administrative complaint against Edmonds School District for failure to reinspect its school buildings.

Edmonds School District failed to: have an Asbestos Hazard Emergency Response Act (AHERA) accredited inspector visually reinspect all building materials known or assumed to contain asbestos in each school building, at least once every three years after a management plan was in effect; reassess the condition of such materials, as required; or record the findings of such reinspection for inclusion in the management plan. Contact: Jayne Carlin, (206) 553-4762

Holy Rosary Academy (Anchorage, AK)

On March 11, 1999, EPA Region 10 filed on administrative complaint against Holy Rosary Academy for failure to inspect its school buildings for asbestos containing building materials and failure to develop an

asbestos management plan. Region 10 granted them an extension of time to file an answer. This is the first administrative complaint EPA Region 10 issued against a school for these violations. Contact: Jayne Carlin, (206) 553-4762

Bend Research, Inc. (Bend, OR)

Under the Toxics Substances Control Act (TSCA), the Office of Waste and Chemicals Management has issued a complaint against Bend Research, Inc. of Bend, Oregon for failure to provide accurate information about a chemical it intended to manufacture and sell when it applied for a Low Volume Exemption from EPA. EPA relies on the information contained in these applications when it assess the risks posed by the chemical to human health and the environment. EPA has proposed a penalty of \$149,400. Contact: Renée Dagseth, 206-553-1889

EPA , WDOE Make Tentative Decision To Issue Final-Status Dangerous Waste/ TSCA Permit To Allied Technology Group

The Washington State Department of Ecology and the U.S. EPA, Region 10 have made a tentative

decision to issue a final-status Dangerous Waste and Toxic Substances Control Act (TSCA) permit to Allied Technology Group (ATG). The permit would allow ATG to build and operate a mixed waste storage and treatment facility at its Richland Environmental Technology Center, located at 2025 Battelle Boulevard, Richland, Washington.

An informational meeting and public hearing was held on April 8, 1999 and the 45-day public-comment period on Ecology's and EPA's decision ended on April 28, 1999. The permit is expected to be issued in early June, 1999 and will become effective 30 days after issuance. Contact: Cathy Massimino, (206) 553-4153.

Sol Pro (Tacoma, WA)

The public comment period for the Sol Pro facility in Tacoma, WA ended on February 22, 1999. The permit is for RCRA storage and is being signed jointly by EPA and Washington Department of Ecology. Comments were addressed and the permit was signed. The effective date of the permit is May 23, 1999. Contact: Diane Richardson, (206) 553-1847.

Toxics Release Inventory (TRI) Training Scheduled

EPA Region 10's TRI Training Sessions are scheduled for May, 1999. The sessions provide comprehensive information and instruction to businesses and government facilities that must complete Form R -- The Toxics Release Inventory Reporting Form under Section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986. Workshops will consist of lectures and interactive discussions, with practical exercises and examples to illustrate course concepts. They are scheduled to be held on the following dates:

TRI Industry Outreach:

* May 24 & 25 in Seattle, WA (EPA Federal Facility)

* May 26 in Boise, ID (Boise State University)

All seminars will be presented by SAIC (EPA Contractor) and have been coordinated with the different state agencies.

Regulated facilities will be notified in writing of the workshops and TRI requirements.
Contact: Christina Colt,
(206) 553-4016

Master Home Environmental (MHE) Program

The EPA Region 10 Lead Program is currently providing a grant to the American Lung Association to pay for the Master Home Environmentalist Program.

This program protects human health by increasing awareness by citizens of home environmental pollutants and encouraging them to take action to reduce their exposure to these toxins and pollutants. The MHE uses innovative and holistic approaches to address issues of indoor pollution in order to create a healthy home environment. Volunteers receive extensive training on lead, dust, indoor air quality, and household hazardous chemicals in the home, then they reach out to local communities to deliver this valuable information.
Contact: Barbara Ross,
(206) 553-1985.

Lead Outreach at Portland Home and Garden Show

On February 24 through February 28, EPA shared an exhibit booth with the Oregon State Health Division. The theme of the exhibit was prevention of lead poisoning. This five day event focused primarily on home improvement

At the booth, EPA staff distributed information and talked with many people about the Lead Disclosure Rule (1018) and the Pre-Renovation Lead Information Rule (406). EPA staff talked particularly with families with small children living in older homes. EPA materials that were available included brochures and fact sheets on preventing lead poisoning, the Disclosure Rule and the Pre-Renovation Lead Information Rule. Contact: Barbara Ross, (206) 553-1985

Northwest Council on Extended Product Responsibility

There is a growing awareness in the United States that natural resources and materials are not being managed and utilized sustainably. With little or no economic incentives to design products with resource conservation, waste reduction, reuse, and/or recyclability in mind, materials are used and discarded too quickly, wasting both renewable and non-renewable resources.

As we begin to recognize the shortcomings of our traditional environmental policies to remedy materials use issues, we realize that we need to move from a facility focus to a product orientation where material use costs can be fully reflected in the price of the product rather than

spread across society as a whole. This will allow environmental gains to occur where it is both easiest and most cost effective.

EPR takes a product focus to environmental protection that motivates all participants in the products life cycle -- designers, suppliers, manufacturers, distributors, retailers, users, recyclers and disposers -- to work together and share responsibility for minimizing the environmental impacts of the product.

When looking at the environmental impacts of a product, EPR extends the scope upstream to raw materials extractors and suppliers and downstream to distributors, retailers, customers and waste managers, all while maintaining to focus on the product system.

The Northwest Council on Extended Product Responsibility (NWECPR) is now moving ahead and looking at options for shaping the way EPR policies and activities are implemented in the Northwest. During Summer 1998, EPA Region 10 kicked off a series of meetings to discuss how EPR could best meet the environmental needs of the Northwest. Later, a smaller group -- including representatives from Seattle Public Utilities, King County

(WA), and Snohomish County (WA), Washington Citizens for Resource Conservation (WCRC), Full Circle Environmental, Inc., EPA Region 10 and EPA Headquarters -- decided to form the NW Council on Extended Product Responsibility to look specifically at how to raise awareness for EPR, create a movement behind organizations in the NW adopting EPR practices and jumpstarting EPR activities in the NW.

Organizations from many sectors are represented including manufacturing, academia, banking, local, state and federal government, retail, environmental groups and citizens groups. The council is currently developing a plan for achieving these goals outlined above. One major upcoming activity is a workshop of EPR and implementing EPR practices that will be held in the fall.

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